

Remarks


Applicants note that an Information Disclosure Statement was mailed April 10, 2003 along with the fee under 37 CFR 1.17(p), and apparently crossed in the mail with the Office Action mailed April 9, 2003. Although the IDS was technically filed after the final rejection, it was nevertheless submitted in good faith, and Applicants respectfully request that the Examiner make the cited references of record.

The Office Action rejects claim 11 under 35 U.S.C. § 102(e) as anticipated by Rohrbach et al US Patent 6,379,564. This rejection is obviated by the above amendment cancelling claim 11.

The remaining claims are rejected either under the judicially-created doctrine of obviousness-type double patenting or under 35 U.S.C. § 103(a) as unpatentable over Rohrbach et al '564 in view of DeJovine. Although Applicants disagree with both conclusions of obviousness, the obviousness-type double patenting rejection is obviated by the submission of the Terminal Disclaimer submitted herewith. The 35 U.S.C. § 103 rejection is respectfully traversed, as the '564 patent is not available as § 102(e) prior art in a § 103 rejection pursuant to 35 U.S.C. § 103(c) because of common ownership. As evidence of common ownership, Applicants submit copies of the recorded assignments for Serial No. 09/566,035 (on which the '564 patent is based) and the present application (both to Honeywell International Inc.).

For the above reasons, Applicants respectfully submit that the application is in proper condition for allowance and request early action toward that end.

Respectfully submitted,



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